UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,551	07/11/2003	Robert Baxter Chambers II	133519	4297

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EXAMINER
NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-30* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on August 22, 2008.

Claims 1-30 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on August 22, 2008 has been entered.

Response to Arguments

3.   Applicant's arguments filed June 10, 2008 have been fully considered but they are

not persuasive.

4.   Applicant's argued, in substance, that Klindt describes a PLC CPU module that is

coupled to a web server through a backplane (page 9, lines 24-25), and Baker describes a PLC

CPU module that is coupled only to a web server, not a web server and database module (page

10, lines 24-25).

Examiner respectfully disagrees. Lindt discloses a web server and database module

located outside the network module and including a database configured to store the file (e.g.,

server 12 compring web server FTP server 36, HTTP server 38, and file system manager 33; see

Figure 1, col. 5: line 26 – col. 6: line 28); and since Baker teaches a ACM PCU module that is

coupled directly to a web server 30 (Figure 4). Thus it would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply Baker's direct web

connection using Klindt's web server and database module, in order to improve network

communication traffic and provide faster updates of network information.

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

6.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klindt et al (US 6,853,867), hereinafter Klindt, in view of Baker et al (US 6,732,191), hereinafter

Baker.

Regarding claims 1, 11, 20, 25-26 and 29, as shown in Figure 1, Klindt discloses a web-

enabled automation control module (ACM) system, comprising:

at least one network module configured to receive a request for a file from a network

(computer 16 includes a network interface for facilitating connection to and data transfer through

computer network 46. Ordinarily process operation is monitored at lease by means of one or

more central management stations; col. 1: lines 37-48 and col. 7: lines 7-19);

a web server and database module located outside the network module and including a

database configured to store the file (server 12 provides web access to controller data, i.e.,

variables, system diagnostics, configuration information, I/O status, etc. through web browsers;

col. 4: lines 40-43, and col. 5: line 26 – col. 6: line 28); and

an ACM central processing unit configured to send ACM data to the web server and

database module to embed ACM data in the file to facilitate transferring ACM data to the at least

one network module in response to the request (server 12 implements reading information from

PLC 14 and displaying it in HTML pages; col. 6: lines 9-14).

Klindt discloses substantially all the claimed limitations, except the ACM CPU coupled

directly to the web server and database module.

As shown in Figure 5, Baker teaches I/O devices 40, which includes traditional I/O

modules for PLC system, is interconnected directly to webserver 30 (col. 5: lines 20-23).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Baker's direct web connection in Klindt's system in order to improve network

communication traffic and provide faster updates of network information.

Regarding claims 2, 12 and 21, Klindt-Baker also discloses the web server and database

module comprises a web server configured to:

receive the request from the network module (a request for a web page is sent to HTTP

server 36; Klindt, col. 6: lines 34-35);

obtain the file from the database to respond to the request (the server retrieves or

dynamically creates the appropriate page from the flash memory 28; Klindt, col. 6: lines 35-37);

and

send the file to the network module (transmit the page to the browser using HTTP;

Klindt, col. 6: lines 37-38).

Regarding claims 3 and 13, Klindt-Baker also discloses computer 16 includes a network

interface for facilitating connection to and data transfer through the computer network 46 which

can be a local area network, the Internet, or an Internet-linked local network, thus inherently,

computer 16 is configured to receive the request from the network and transmit file to the

network (Klindt, col. 7: lines 10-19).

Regarding claims 4-6, 8 and 17, Klindt-Baker also discloses the web server and database

module is electrically connected to the network module via an ACM backplane and the network

(Klindt, Figure 1).

Regarding claims 7 and 9, Klindt-Baker also discloses the web server and database

module is located within the ACM CPU that is electrically coupled to an ACM backplane via an

interface (Klindt, Figure 1).

Regarding claims 10 and 30, Klindt-Baker also discloses the network is an Ethernet

network (Klindt, col. 5: lines 49-55).

Regarding claims 14 and 27, Klindt-Baker also discloses sending the request from the

network module to the web server of the web server and database module via an ACM backplane

(the server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the

server 12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client

27; Klindt, col. 5: lines 51-55, see Figure 1).

Regarding claims 15 and 22, Klindt-Baker also discloses sending the request from the

network module to the web server of the web server and database module via the network (the

server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the server

12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client 27;

Klindt, Figure 1; col. 5: lines 51-55).

Regarding claims 16 and 23, Klindt-Baker also discloses sending the request from the

network module to the web server and database module located within the ACM CPU (Klindt,

Figure 1; col. 5: lines 56-65).

Regarding claims 18 and 24, Klindt-Baker also discloses storing the file in the database

of the web server and database module located within the ACM CPU (Klindt, Figure 1; col. 5:

lines 56-65).

Regarding claim 19, Klindt-Baker also sending the request for the file from an Ethernet

network to the network module (Klindt, col. 5: lines 49-55).

Regarding claim 28, Klindt-Baker also disclose retrieving at least one of a web page file,

a document file, an e-mail file, an image file, an audio file, and a video file (e.g., simple pictorial

and textual rendering or real time playing of audio and/or video segments or alarms, mechanical

indications, printing, storage of data for subsequent display, etc.; Klindt, col. 3: lines 19-47).

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN KIM T. NGUYEN whose telephone number is (571)272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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